



COMMITTEE ON
**EDUCATION
& LABOR**
REPUBLICANS

**COMMITTEE
STATEMENT**

**Opening Statement of Rep. Russ Fulcher (R-ID), Republican Leader
Subcommittee on Civil Rights and Human Services Joint Hearing:
"Fighting for Fairness: Examining Legislation to Confront Workplace
Discrimination"
March 18, 2021**

(As prepared for delivery)

"Republicans and Democrats agree that discrimination in any form is wrong. It should not be tolerated in America's workplaces. That's why there are laws prohibiting such egregious behavior. And while the purported intent behind the legislation before us is admirable, good intentions don't always bring good policy.

Good policy comes from thorough examination and bipartisan collaboration. This hearing is far from thorough, as we are considering all at once, four separate and distinct bills that make significant changes to very important laws.

It's also not bipartisan. If Democrats were truly interested in bipartisan collaboration on these bills, they would have allowed more than ONE Republican witness to testify. This will not result in a fair or adequate examination of the underlying issues and certainly misses the mark regarding today's hearing title 'fighting for fairness.'

Although today's hearing will cover a number of bills, I'll comment on one bill that is particularly troubling. The so-called Protecting Older Workers Against Discrimination Act is just another empty promise from Democrats wrapped in a convenient title.

There is no evidence or data that suggests this bill is needed. It is already against the law to discriminate in the workplace because of an individual's age. Congress has enacted significant laws prohibiting employment discrimination, including the

Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act, and the Civil Rights Act.

Additionally, employment trends for older workers are positive in recent decades. In 2018, older workers earned 7 percent more than the median income for all workers, compared to 20 years ago when older workers earned 23 percent less than the median for all workers. In Idaho today, workers 45 to 64 years old are earning 19.6 percent more than all workers in the state. This trend is expected to continue as we recover economically from COVID-19.

The only parties who will 'win,' in nearly all cases if the bill is enacted into law, are trial lawyers. The bill will also increase frivolous legal claims against business owners. These underserving claims will take valuable resources away from efforts to prevent harassment and discrimination.

This bill being pushed by Democrats disregards current law, real-world workplace situations, and Supreme Court precedent; ultimately rewarding trial lawyers at the expense of older Americans.

I thank the witnesses for being here today. I hope as Members of this Committee, we will be able to work together in the future on real solutions to real problems instead of gifting trial lawyers a payout under the guise of 'protecting' older workers. I yield back."

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